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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/505,632   | 02/16/2000  | Michael C. Scroggie  | CAT/34-SCRO-CCP         | 5917             |
| 31518  | 7590        | 07/26/2005           | EXAMINER                |                  |
| NEIFELD IP LAW, PC<br>4813-B EISENHOWER AVENUE<br>ALEXANDRIA, VA 22304 |             |                      | ROBINSON BOYCE, AKIBA K |                  |
|  |             |                      | ART UNIT                | PAPER NUMBER     |
|  |             |                      | 3639                    |                  |
| DATE MAILED: 07/26/2005  |             |                      |                         |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 09/505,632             | SCROGGIE ET AL.     |
| Examiner                     | Art Unit               |                     |
| Akiba K. Robinson-Boyce      | 3639                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 16 May 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 24-31,36-43 and 48-51 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 24-31, 36-43, and 48-51 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Status of Claims***

1. The following non-final office action is in response to the appeal brief filed 5/16/05. Prosecution has been re-opened for this case. Claims 24-31, 36-43, and 48-51 are pending in this application, and have been examined on the merits. The previous rejection has been withdrawn, and the following reflects the claims as amended.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 50 and 51 recites the limitation "transmission from a consumer to a retailer website", "transmission from the retailer website to a remote website" in claim 50 and "means for transmitting from a consumer to a retailer website", "means for transmitting from the retailer website to a remote website", in claim 51. There is insufficient antecedent basis for this limitation in the claim.

There is no indication as to what is being "transmitted". Correction is required.

4. Claims 24-27, 36-39 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per independent claims 24, 36 and 48, these claims recite "transmitting region data from said web site of said manufacturer over the Internet to a remote Web site", and then "in response to receipt of region data at said manufacturer's Web site". This

claim language is confusing and indefinite since the region data is primarily transmitted to a remote site in the first limitation, and then is received at a manufacturer's Web site in the second limitation. Therefore, independent claims 24, 36 and 48, and all claims that depend from them (claims 25-27, and 37-39) are indefinite. Correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 24, 25, 26, 27, 28, 30, 36, 37, 38, 39, 40, 42, 48, 48, 49, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (US Patent 6,064,979).

As per claim 24, 36, 48, 49, Perkowski discloses:

transmitting from a consumer computer over the Internet to a Web site of a manufacturer/retailer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer/means for transmitting from a consumer computer over the Internet to a Web site of a manufacturer/retailer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer, (Abstract, lines 11-15, client subsystem transmits a request for manufacturer products, and the client subsystem is provided with the homepage of the

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manufacturer's World Wide Web site as shown in the abstract, lines 26-27, w/ col. 10, lines 14-19, shows client system is maintained by consumers at retail outlets, in this case the consumer computer is represented by a kiosk, and the consumer makes a request over the Internet [col. 9, lines 60-63] at the retail location);

in response/means for, in response to receipt of a request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site/in response to receipt of a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet, transmitting region data from a Web site of said manufacturer over the Internet to a remote Web site/in response to receiving at a web site of a manufacturer, a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet, transmitting region data from a Web site of said manufacturer over the Internet to a remote Web site/in response to receipt of a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet to a Web site of a retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site, (Col. 4, lines 63-col. 5, line 3, shows request going to IPSD server, where region data such as Web site addresses for the manufacturer is shown to be transmitted to the IPSD server by way of registration as shown in col. 5, lines 52-59, w/ col. 6, lines 18-24, shows Internet product and service information is carried out by the IPSD Web-site);

in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer/means for transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer/ in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives, (Col. 5, lines 1-8, shows URLs accessed from the IPSD server and displayed on the display screen of the internet browser, w/ col. 4 lines 44-51, shows that URL categories include Product Incentives, w/ col. 10, lines 54-56 and col. 11, lines 4-8, shows company name and company e-mail address are some of the information stored in the IPSD server and it is therefore the same type of information that is transmitted by the IPSD Web site)

transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address/ in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives, (Col. 5, lines 6-8, shows subsequent URL selection [done by consumer] of information transmitted by the IPSD Web site, which includes company name and company e-mail address as discussed above).

Perkowsky does not specifically disclose that the request goes to the Web site of the retailer, however, this limitation is obvious since client systems are maintained by the consumer at retail outlets, and since the consumer makes a request over the Internet by way of the retail outlet, the retailer's Web page is therefore being utilized.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to direct a request to the Web site of the retailer with the motivation of allowing a consumer to easily interact with the product request environment since the retailer is more accessible to the consumer than the manufacturer.

As per claim 25, 37, Perkowsky discloses:

wherein said step of transmitting from said remote site said list further comprises transmitting a link to a Web site of said retailer/wherein said means for transmitting from said remote site said list further comprises means for transmitting a link...(Col. 4, lines 45-52, shows URLs are symbolically linked to each registered product).

As per claims 26, 30, 38, 42, Perkowsky discloses:

determining said at least one manufacturer's incentive and said at least one name and address of a retailer by querying, using said region data, a database from a server of said remote Web site/means for determining...transmitting from the consumer computer over the Internet to the Web site of the retailer region data./means for transmitting...(Col. 1, lines 54-64, shows it is common to use search by location of

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the seller's site via search engines to determine that seller's product information, where it is shown that product information includes company name and company e-mail address since this is some of the information stored in the IPSD server and it is therefore the same type of information that is transmitted by the IPSD Web site).

As per claim 27, 39, Perkowski discloses:

transmitting from said consumer computer to said Web site of said manufacturer selection data indicating selection of said at least one manufacturer incentive/means for transmitting...( Col. 15, lines 19-44, shows that a consumer makes a request at a client subsystem that is physically hosted at the retailer by way of a three-field browser framework which includes search button);

transmitting from said Web site of said manufacturer to said remote site said selection data/means for transmitting from said Web site...(Col. 15, lines 37-40, IPI finding an serving subsystem is the remote site);

transmitting from said Web site of said manufacturer to said consumer computer details/means for transmitting from said Web site of said manufacturer, (Col. 12, lines 16-20, shows transfer of consumer product related information between the Remote Client Computer and the Web-Based Document Server, *in this case, the consumer computer is shown by the Client Computer*, and the remote website is shown by the Web-Based Document Server since it is remote to the Remote Client, w/ Col. 11, lines 37-40, shows that a central UPC/URL database Subsystem serves the consumer product information to consumers, where the name of the product's manufacturer and URL specifying the location of

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information resources are served to remote retailers and consumers and is included in consumer product information, w/ Col. 13, lines 2-9, where it is also shown that the Web based document server transfers UPC/URLs to the IPD servers, and therefore works in conjunction with the UPC/URL database to serve the consumer product information to consumers, w/ Col. 6, lines 50-58, the list is shown by categorizing and graphically displaying product information which also includes Product Incentives, w/ Col. 11, lines 34-45, shows the name of the product's manufacturer and URL specifying the location of information resources are served to remote retailers and consumers and is included in consumer product information, w/ Col. 13, lines 2-9, where it is also shown that the Web based document server transfers UPC/URLs to the IPD servers, and therefore works in conjunction with the UPC/URL database to serve the consumer product information to consumers, w/ Col. 6, lines 50-58, the list is shown by categorizing and graphically displaying product information which also includes Product Incentives, w/ Col. 11, lines 34-45, shows the name of the product's manufacturer and URL specifying the location of information resources are served to remote retailers and consumers).

The following is obvious with Perkowski:  
transmitting from said remote site to said Web site of said manufacturer details of the selected at least one manufacturer incentive/means for transmitting from said remote site...(Col. 15, lines 37-40, obvious that details are transmitted to the

manufacturer since the browser ultimately displays Web pages served from the IPD server and associated with the Search mode);

It would have been obvious to one of ordinary skill in the art to transmit from said remote site to said Web site of said manufacturer details of the selected at least one manufacturer incentive with the motivation ensuring that significant details of manufacturer selection data are sent to the correct location.

.As per claim 28, 40, Perkowski discloses:

transmitting from a consumer computer over the internet to a ... retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer/means for transmitting from a consumer computer over the internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer/transmission from the a consumer to a retailer website; (Abstract, lines 11-15, client subsystem transmits a request for manufacturer products, w/ col. 10, lines 14-19, shows client system is maintained by consumers at retail outlets, in this case the consumer computer is represented by a kiosk, and the consumer makes a request over the Internet [col. 9, lines 60-63] at the retail location);

in response to receipt of said request at ... said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site/means for transmitting said request from said Web site of said retailer over the Internet to a remote Web site, (Col. 4, lines 63-col. 5, line 3, shows request going to IPDS server, w/ col. 6, lines 18-24, shows Internet product and service information is carried out by the IPDS Web-site);

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said ... retailer a list of manufacturer incentives/means for transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives; (Col. 5, lines 1-8, shows URLs accessed from the IPSD server and displayed on the display screed of the internet browser, w/ col. 4 lines 44-51, shows that URL categories include Product Incentives).

in response to receipt of said manufacturers incentives at said ... retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives/means for transmitting over the Internet to said consumer computer said list of manufacturers incentives, (Col. 5, lines 6-8, shows subsequent URL selection [done by consumer]).

Perkowski does not specifically disclose that the request goes to the Web site of the retailer, however, this limitation is obvious since client systems are maintained by the consumer at retail outlets, and since the consumer makes a request over the Internet by way of the retail outlet, the retailer's Web page is therefore being utilized.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to direct a request to the Web site of the retailer with the motivation of allowing a consumer to easily interact with the product request environment since the retailer is more accessible to the consumer than the manufacturer.

As per claims 50, 51 Perkowski discloses:

Transmission/Means for transmitting from a consumer to a retailer website, (Abstract, lines 11-15, client subsystem transmits a request for manufacturer products, and the client subsystem is provided with the homepage of the manufacturer's World Wide Web site as shown in the abstract, lines 26-27, w/ col. 10, lines 14-19, shows client system is maintained by consumers at retail outlets, in this case the consumer computer is represented by a kiosk, and the consumer makes a request over the Internet [col. 9, lines 60-63] at the retail location);

Transmission/Means for transmitting from the retailer website to a remote website, (Col. 4, lines 63-col. 5, line 3, shows request going to IPSD server, where region data such as Web site addresses for the manufacturer is shown to be transmitted to the IPSD server by way of registration as shown in col. 5, lines 52-59, w/ col. 6, lines 18-24, shows Internet product and service information is carried out by the IPSD Web-site); and

Transmission/Means for transmitting from the remote website to the retailer website, of a list of manufacturer incentives, (Col. 5, lines 1-8, shows URLs accessed from the IPSD server and displayed on the display screed of the internet browser, w/ col. 4 lines 44-51, shows that URL categories include Product Incentives).

7. Claims 29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (US 6,064,979), and further in view of Sloane (US Patent 5,918,211),

As per claims 29, 41, Perkowski fails to disclose transmitting a user

identification from said Web site of said retailer over the Internet to said remote Web site in association with said request and determining manufacturer's incentives to transmit from said remote Website to said Web site of said retailer based upon said user identification, but does disclose the transmission of manufacturer's incentives to consumers in Col. 12, lines 16-20.

However, Sloane discloses:

transmitting a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request/means for transmitting a user identification...determining manufacturer's incentives to transmit from said remote Website to said Web site of said retailer based upon said user identification/means for determining manufacturer's incentives, (Col. 9, lines 52-58, Claim 12, Claim 15, shows usage of consumer identification in conjunction with transmitting consumer product information). Sloane discloses this limitation in an analogous art for the purpose of showing that a consumer identification can affect the transmittal of consumer product information.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to transmit a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request and determining manufacturer's incentives to transmit from said remote Web site to said Web site of said retailer based upon said user identification with the motivation of sending the consumer an incentive which is identified by consumer id.

8. Claims 31 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (US 6,064,979), and further in view of Smolen (US Patent 5,915,243).

As per claims 31, 43, Perkowski fails to teach wherein said region data is postal code data, but does disclose region data through URLs in col. 11, lines 42-43.

However Smolen discloses:

wherein said region data is postal code data, (Col. 4, lines 64-67, represented by postal code). Smolen discloses this limitation in an analogous art for the purpose of showing that postal code data can be incorporated into a system for transmitting incentives.

It would have been obvious to one of ordinary skill in the art for the region data to be postal code data in order to determine the location of the retailer versus the location of the user for incentive transmittal purposes.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 24-31, 36-43, and 48-51 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is

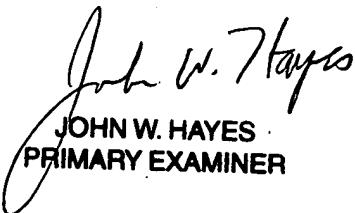
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571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
July 20, 2005

  
JOHN W. HAYES  
PRIMARY EXAMINER